



US Army Corps
of Engineers
Alaska District

Public Notice of Application for Permit

Regulatory Branch (1145b)
805 Frontage Road
Suite 200C
Kenai, Alaska 99611-7755

PUBLIC NOTICE DATE: February 15, 2006
EXPIRATION DATE: March 17, 2006
REFERENCE NUMBER: POA-1984-489-P
WATERWAY: Kenai River

Interested parties are hereby notified that an application has been received for a Department of the Army permit for certain work in waters of the United States as described below and shown on the attached plan.

APPLICANT: City of Kenai, 210 Fidalgo Street, Kenai, Alaska 99611; (907) 283-7535

LOCATION: Kenai Municipal Airport, within Sections 28, 29, 32 and 33, T. 6 N., R. 11 W., Seward Meridian, in Kenai, Alaska; Kenai Peninsula Borough parcel numbers: 041-010-04, 041-010-06, 043-180-41 and 045-010-27, and; Latitude 60.5711°N, Longitude 151.2486°W.

WORK: The proposed project is to conduct several improvement projects at the Kenai Municipal Airport. The proposed project would involve: the excavation and discharge of approximately 200,000 cubic yards (cy) of silt and 350,000 cy of sand into 11.7 acres of wetlands for the extension and widening of the water runway 1W-19W, the excavation of approximately 3,000 cubic yards of silt and the backfilling of approximately 50,000 cubic yards of fill into approximately 14.7 acres of wetlands for the construction of an emergency access and maintenance road, the excavation of approximately 53,000 cy of silt and 15,000 cy of sand and the placement of approximately 40,000 cy of sand and gravel material into 4.8 acres of wetlands to improve the runway safety areas and reconstruct runway 1L-19R, and the placement of 30,000 cubic yards of sand and gravel into 7.7 acres of wetland in order to provide access to runway 1R-19L lease lots. The combined projects would impact approximately 38.9 acres of wetlands.

PURPOSE: The purpose of the proposed project is to enhance safety and bring the airport into compliance with current Federal Aviation Administration (FAA) design standards. The proposed projects also enhance the ability to meet the current and future needs of the Airport by reconstructing the runway 1L-19R pavement, developing additional aircraft parking apron and lease lots for aviation related activity. The proposed projects would also provide improved airfield and vehicular access to these areas and extend the emergency access/maintenance road and perimeter/security fencing.

ADDITIONAL INFORMATION: The Kenai Municipal Airport serves scheduled air service, air taxi, cargo and general aviation activity as well as military training operations and State firefighting operations. A review of the database and available office records indicates that since 1984, the Corps of Engineers has

permitted several activities involving the placement of fill material within wetlands at the Kenai Municipal Airport:

On April 25, 1985, a Department of the Army Individual Permit (IP) was issued to the City of Kenai (file number POA-1984-489-2, Kenai River 155) to "extend the main apron of the Kenai Municipal Airport. A 1,400'X300' ramp extension with two taxiway section (550'X80' and 375'X80') will be constructed with 3" A.C. pavement and 4:1 (maximum) side slopes. Approximately 56,000 cubic yards (cy) of granular fill material will be taken from a borrow site located west of the main runway to construct the apron extension pads. The approximately 80,600 cy of waste material to be taken from the apron extension site will be discharged in wetlands at two existing gravel pits to the east of the airport off of Marathon Road. Waste material from the borrow site will be disposed of in two man-made borrow pits (not in wetlands) located on the west side of the main runway."

On October 14, 1986, a modification was made to the permit (file number POA-1984-489-M) to: "place an additional 100,000 cubic yards of fill material to bring the airport safety overrun area in compliance with Federal Aviation Administration requirements.

On May 27, 1987, another IP was issued to the City of Kenai (file number POA-1984-489-N) to "construct a floatplane facility at the Kenai Municipal Airport and provide visibility from the floatplane runway to the control tower. Extend an existing borrow area to complete an authorized floatplane runway and to provide for the selective disposal of the excavated material. An existing manmade pond will be expanded by excavating 450,000 cubic yards (cy) from a nearby wetland and 50,000 cy of from an upland area. Organic, peat and silt materials will be disposed of in upland areas, then graded and seeded. The slopes will be graded to 4:1, landscaped and seeded. The excavated sand will be stockpiled in upland areas for use in future projects. A haul road through wetlands and a limited access taxiway will also be constructed. A concrete spillway will be constructed in the existing manmade drainage ditch. This activity must meet Federal Aviation Agency requirements."

On December 4, 1991, an IP was issued to the City of Kenai (file number POA-1984-489-O) to "discharge approximately 35,500 cubic yards of fill material in approximately 1.74 acres of wetlands for construction of a 3.5' deep by 18' wide by 600' roadway, a 3.5' deep by 180' wide by 400' blast pad, three 3.5' deep by 25' wide by 25' long navigational aid pads and to backfill a 8 - 10' deep by 30' wide by 1000' long trench for airport improvements."

On February 1, 1990, an IP was issued to the City of Kenai (file number POA-1989-485-4) to "Discharge 650 cubic yards of fill material into wetlands near the Kenai Airport for a 40' diameter facility pad and a 200' by 40' access road." This permit was later modified on May 2, 1990 (file number POA-1989-485-M) to "include a 236' X 38 ½' road instead of a 200' X 40' road.

Copies of these permits are available for review at the Kenai Field Office.

For project specific information, please contact the applicant's agent, Mr. Casey Madden, P.E., Wince, Corthell, Bryson at P.O. Box 1041, Kenai, Alaska 99611; (907-283-4672.

MITIGATION: As a result of early project planning and pre-application coordination, the applicant has proposed and incorporated into the proposed project the following mitigation efforts to reduce impacts to the aquatic environment:

1. As mitigation for the proposed placement of fill material within a drainage way to provide access to runway 1R-19L lease lots, the applicant has proposed to create an engineered swale which would extend from the undisturbed drainage way north of the proposed project, south-east along Marathon Road, and then reconnect

to the existing drainage way to the south of the proposed project. This proposed swale would be constructed within uplands and would provide some mitigation for the loss of hydrology and water quality from the proposed filling of the drainage way. The proposed swale would mitigate for the loss of 7.7 acres of wetlands.

2. In compliance with the "Memorandum of Agreement Among the Federal Aviation Administration, U.S. Army Corps of Engineers, Alaska Department of Transportation and Public Facilities, U.S. Fish and Wildlife Service, and Alaska Department of Fish and Game Regarding Impacts to Wetland and Other Aquatic Resources, Mitigation and Airport Improvement Projects in Alaska," a Wetland Avoidance and Minimization Checklist was completed. The Corps of Engineers, in accordance with this Memorandum of Agreement, would likely require an in-lieu fee of \$500 per acre (\$15,000) for the remaining 30 acres of wetlands proposed to be filled. This money would be deposited into the Alaska Wetlands Conservation Fund. However, the City of Kenai and FAA have offered an in-lieu fee of \$1,000 per acre (\$30,000) for the remaining 30 acres of wetlands proposed to be filled. The applicant has requested that these in-lieu fees be deposited with the Kenai Watershed Forum, a non-profit organization, to address wetlands and related issues in the Kenai area.

WATER QUALITY CERTIFICATION: A permit for the described work will not be issued until a certification or waiver of certification as required under Section 401 of the Clean Water Act (Public Law 95-217), has been received from the Alaska Department of Environmental Conservation.

COASTAL ZONE MANAGEMENT ACT CERTIFICATION: Section 307(c)(3) of the Coastal Zone, Management Act of 1972, as amended by 16 U.S.C. 1456(c)(3), requires the applicant to certify that the described activity affecting land or water uses in the Coastal Zone complies with the Alaska Coastal Management Program. A permit will not be issued until the Office of Project Management and Permitting, Department of Natural Resources has concurred with the applicant's certification.

PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, reasons for holding a public hearing.

CULTURAL RESOURCES: The latest published version of the Alaska Heritage Resources Survey (AHRS) has been consulted for the presence or absence of historic properties, including those listed in or eligible for inclusion in the National Register of Historic Places. There are no listed or eligible properties in the vicinity of the worksite. Consultation of the AHRS constitutes the extent of cultural resource investigations by the District Engineer at this time, and he is otherwise unaware of the presence of such resources. This application is being coordinated with the State Historic Preservation Office (SHPO). Any comments SHPO may have concerning presently unknown archeological or historic data that may be lost or destroyed by work under the requested permit will be considered in our final assessment of the described work.

ENDANGERED SPECIES: No threatened or endangered species are known to use the project area. Preliminarily, the described activity will not affect threatened or endangered species, or their critical habitat designated as endangered or threatened, under the Endangered Species Act of 1973 (87 Stat. 844). This application is being coordinated with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service. Any comments they may have concerning endangered or threatened wildlife or plants or their critical habitat will be considered in our final assessment of the described work.

ESSENTIAL FISH HABITAT: The proposed work is being evaluated for possible effects to Essential Fish Habitat (EFH) pursuant to the Magnuson Stevens Fishery Conservation and Management Act of 1996 (MSFCMA), 16 U.S.C. et seq and associated federal regulations found at 50 CFR 600 Subpart K. The Alaska District includes areas of EFH as Fishery Management Plans. We have reviewed the January 20, 1999,

North Pacific Fishery Management Council's Environmental Assessment to locate EFH area as identified by the National Marine Fisheries Service (NMFS).

We have determined that the described activity within the proposed area will not adversely affect EFH, including anadromous fish and federally managed fishery resources.

SPECIAL AREA DESIGNATION: None.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts, which the proposed activity may have on the public interest, requires a careful weighing of all the factors that become relevant in each particular case. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. The decision whether to authorize a proposal, and if so, the conditions under which it will be allowed to occur, are therefore determined by the outcome of the general balancing process. That decision should reflect the national concern for both protection and utilization of important resources. All factors, which may be relevant to the proposal, must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving 404 discharges, a permit will be denied if the discharge that would be authorized by such permit would not comply with the Environmental Protection Agency's 404(b)(1) guidelines. Subject to the preceding sentence and any other applicable guidelines or criteria (see Sections 320.2 and 320.3), a permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

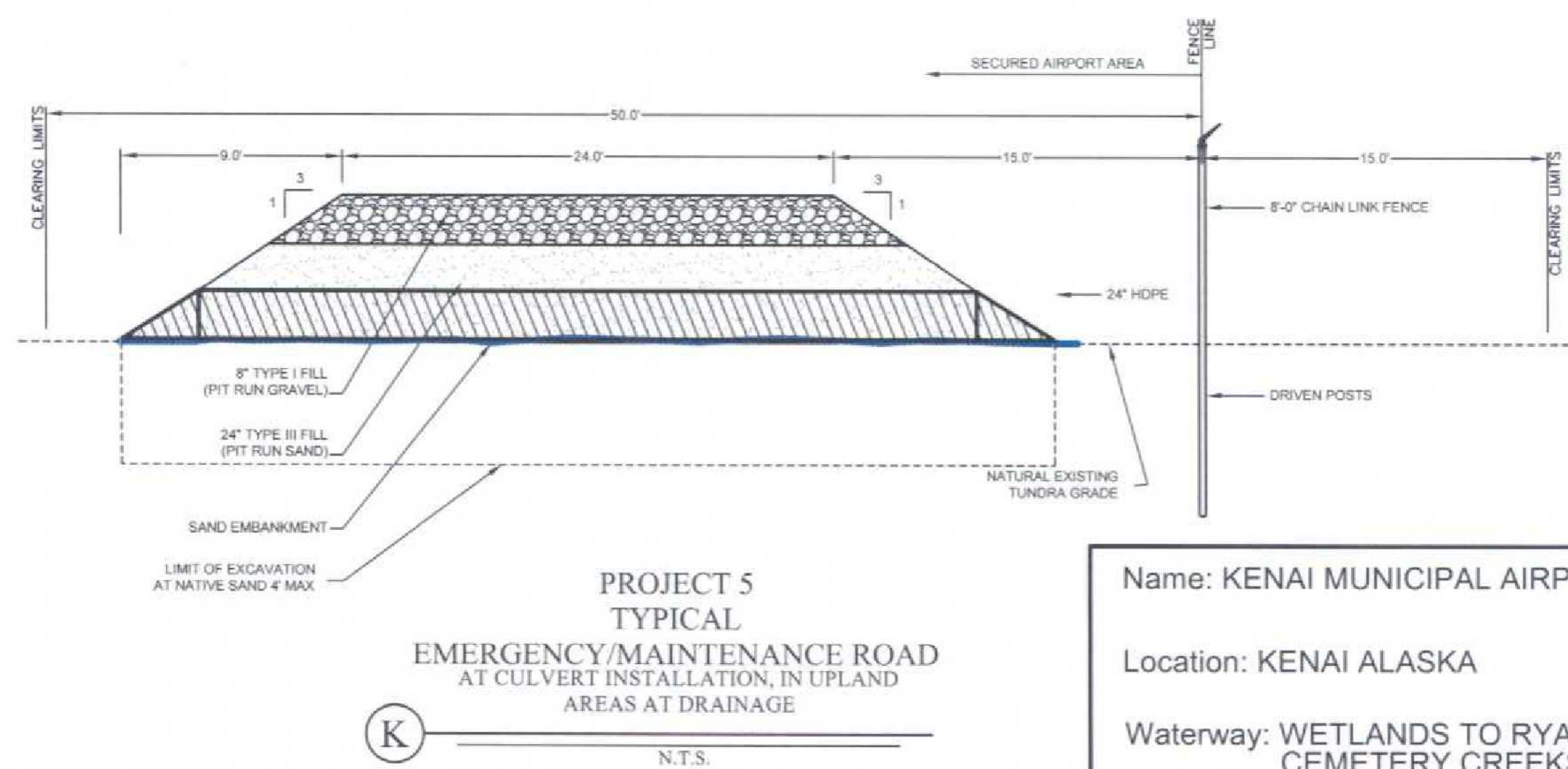
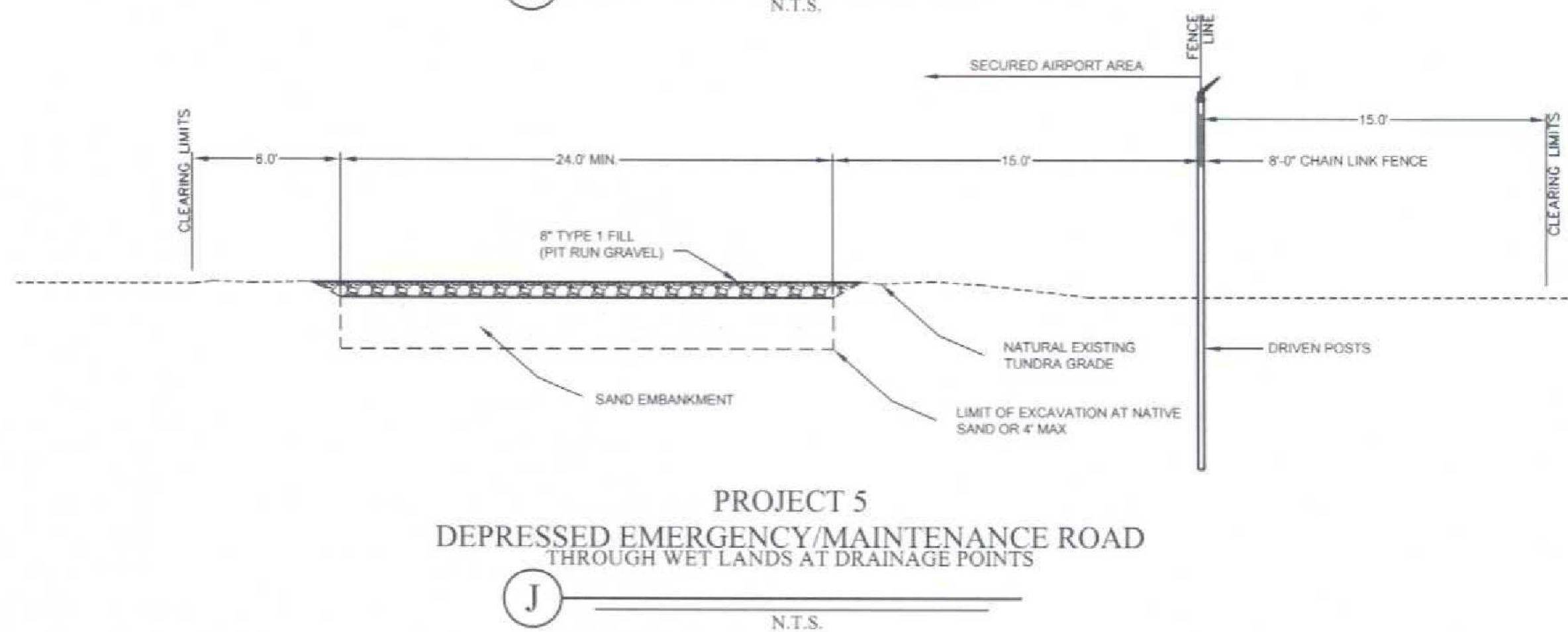
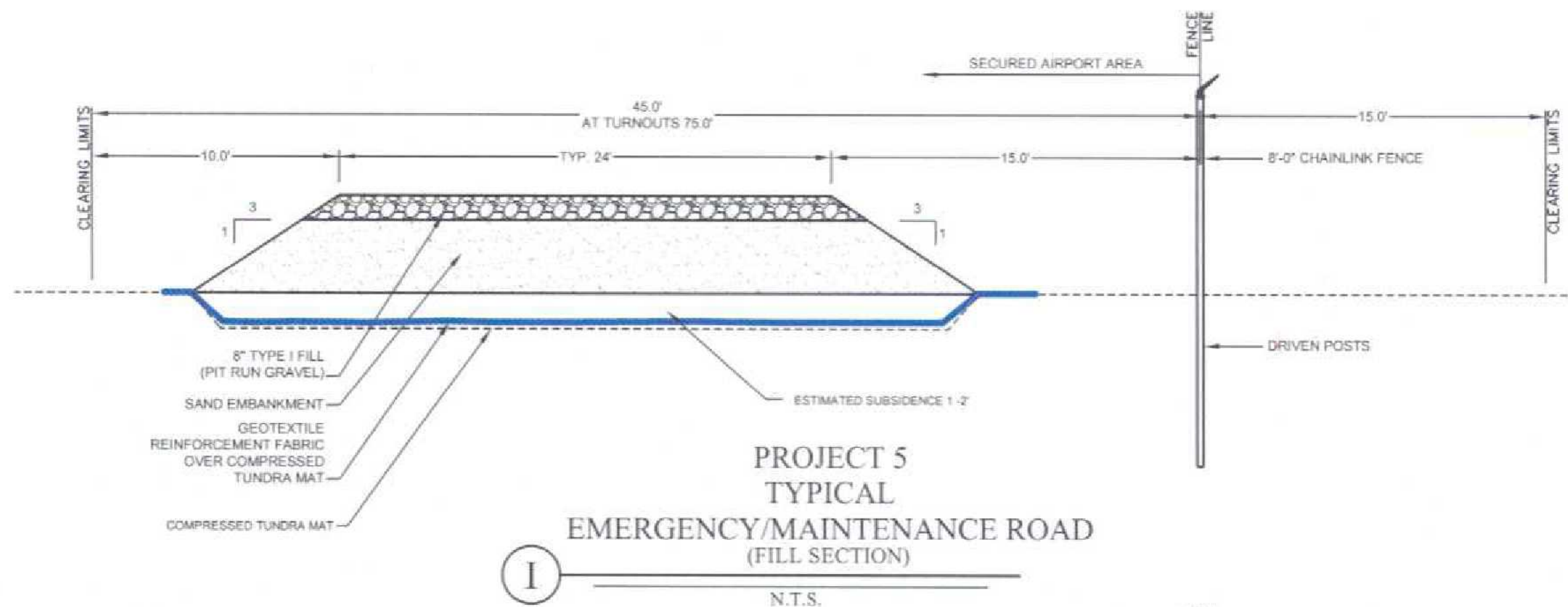
The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Comments on the described work, with the reference number, should reach this office no later than the expiration date of this Public Notice to become part of the record and be considered in the decision. Please contact Ms. Lisa Gibson at (907)283-3519, if further information is desired concerning this notice.

AUTHORITY: This permit will be issued or denied under the following authorities:

(X) Discharge dredged or fill material into waters of the United States - Section 404 Clean Water Act (33 U.S.C. 1344). Therefore, our public interest review will consider the guidelines set forth under Section 404(b) of the Clean Water Act (40 CFR 230).

A plan, Notice of Application for Certification of Consistency with the Alaska Coastal Management Program, and Notice of Application for State Water Quality Certification are attached to this Public Notice.



Name: KENAI MUNICIPAL AIRPORT

Location: KENAI ALASKA

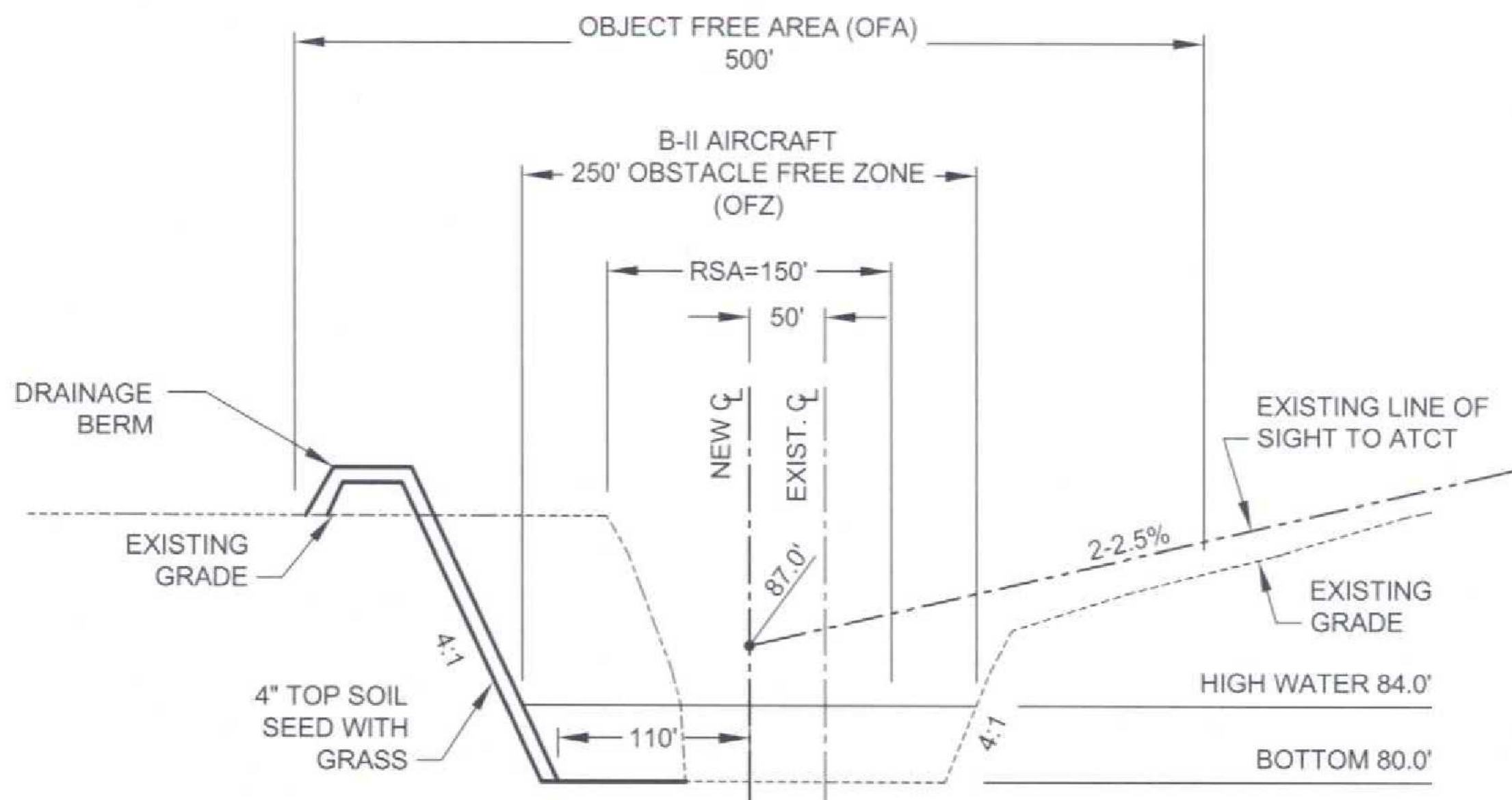
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CEMETERY CREEKS

COE#

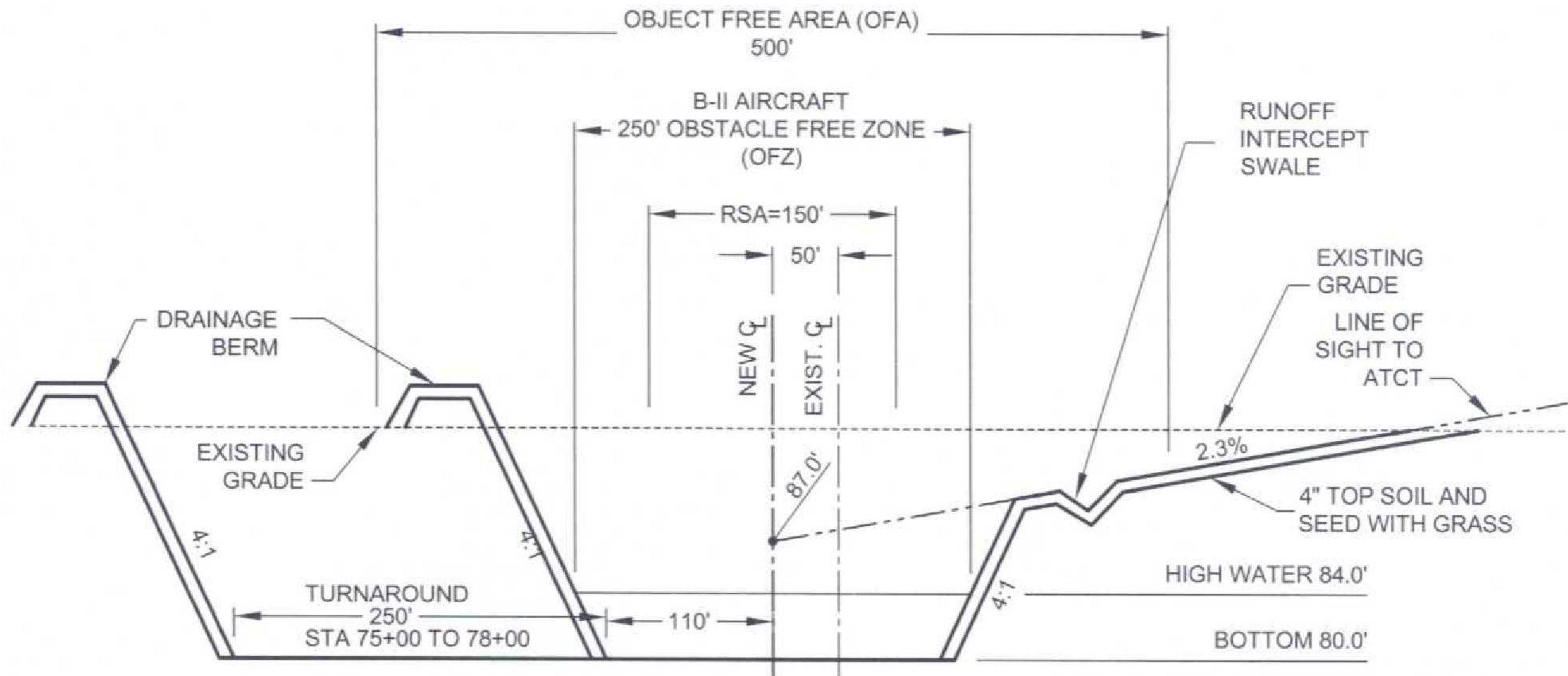
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POA-1984-489-P



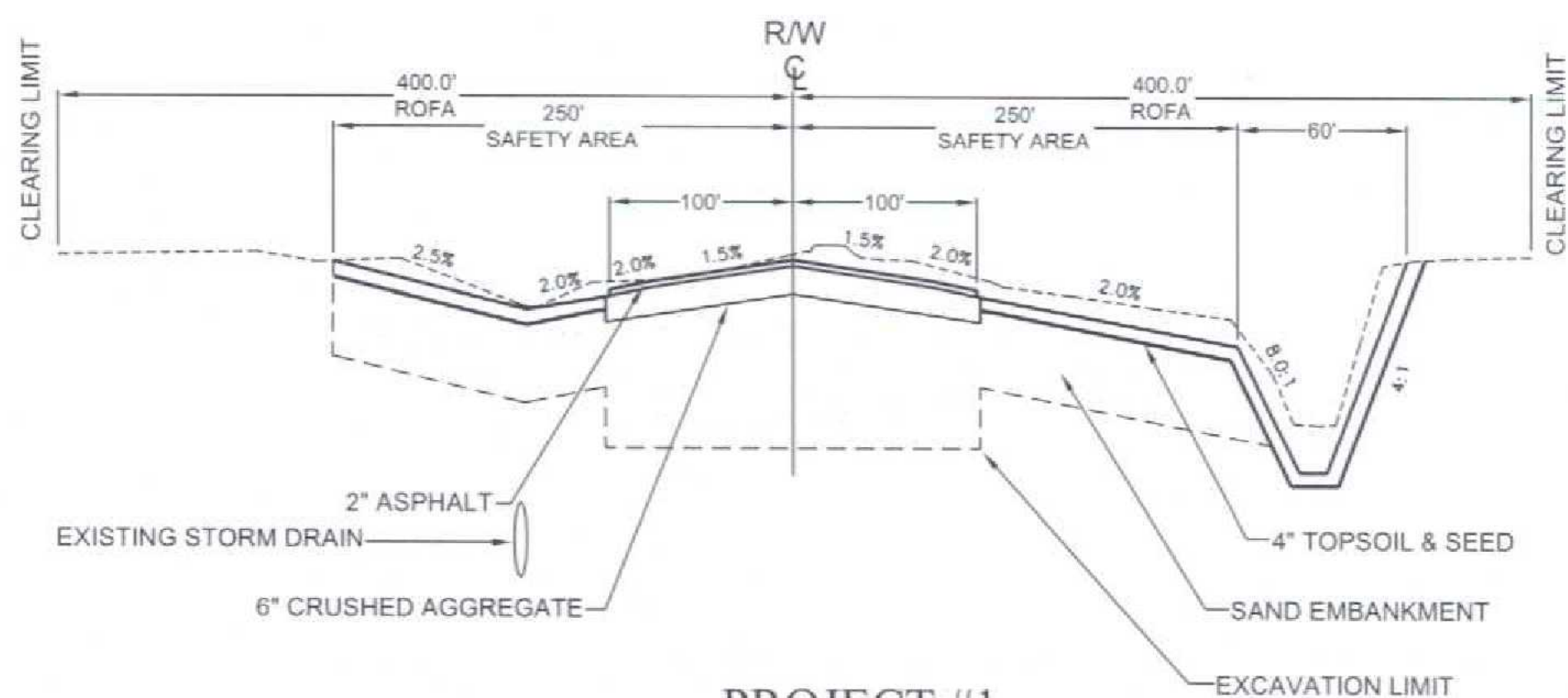
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 250 FOOT OBSTACLE FREE ZONE (OFZ)
 (C) N.T.S.
 STA 36+50 TO 68+75



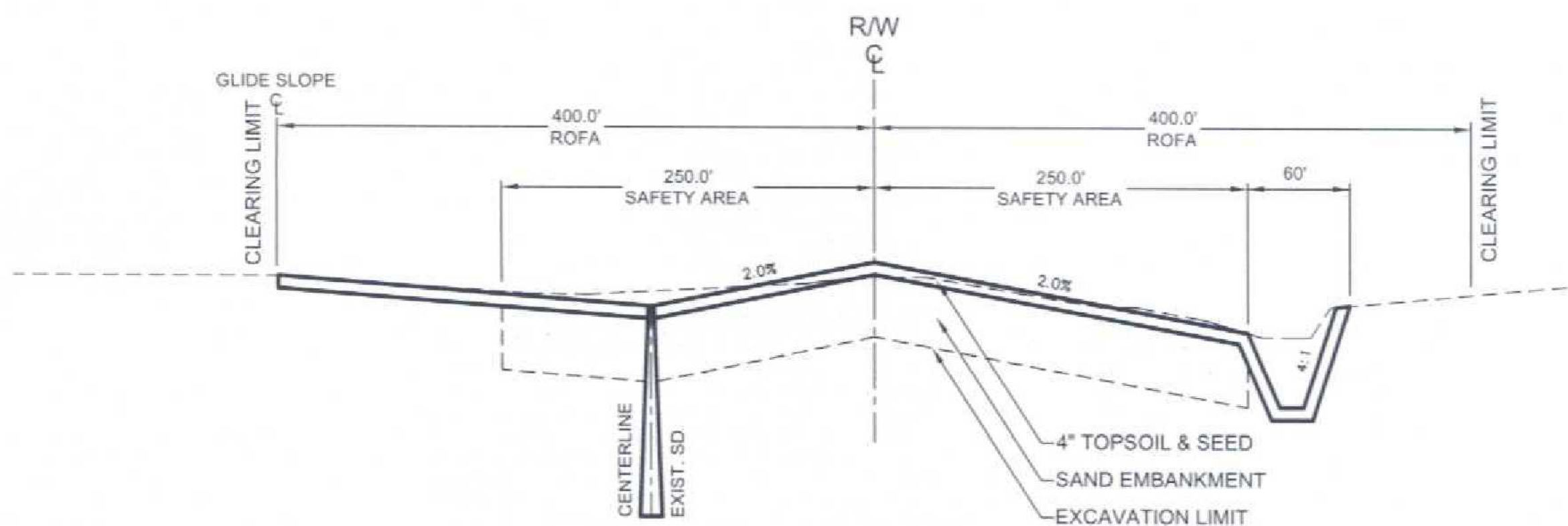
PROJECT #2
 WATER RUNWAY LENGTHENING
 250 FOOT OBSTACLE FREE ZONE (OFZ)
 (D) N.T.S.
 STA 68+75 TO 79+00

Name: KENAI MUNICIPAL AIRPORT
 Location: KENAI ALASKA
 Waterway: WETLANDS TO RYAN AND CEMETERY CREEKS
 COE#
 Date: 12/9/05
 Sheet 4 of 6

POA-1984-489-P



PROJECT #1
 (A) RUNWAY BLAST PAD EXTENSION
 N.T.S.
 STA -79+50



PROJECT #1
 (B) TYPICAL SECTION
 NORTH SAFETY AREA EXTENSION
 N.T.S.
 STA 85+00 TO 87+55

Name: KENAI MUNICIPAL AIRPORT

Location: KENAI, ALASKA

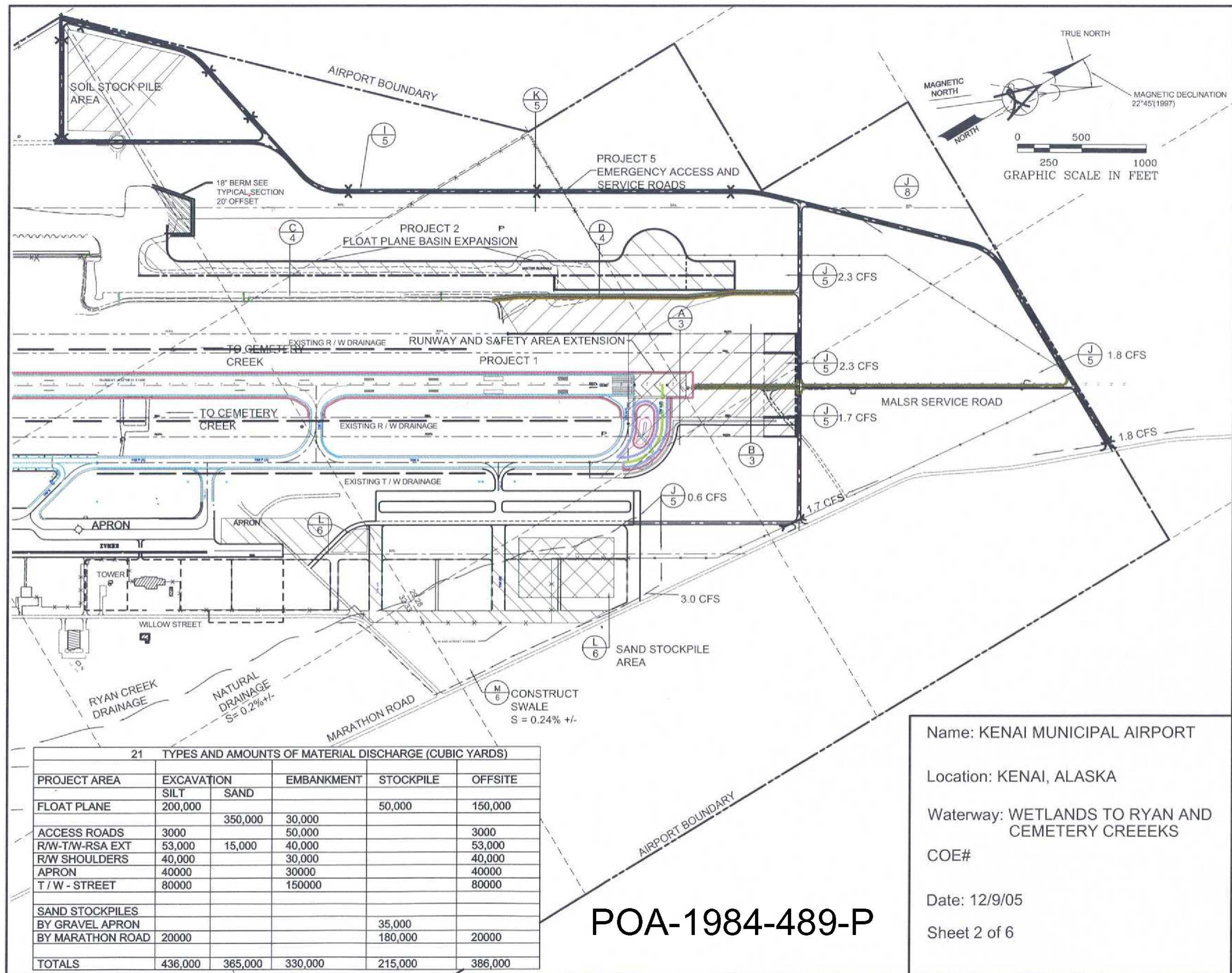
Waterway: WETLANDS TO RYAN AND
 CEMETERY CREEKS

COE#

Date: 12/9/05

Sheet 3 of 6

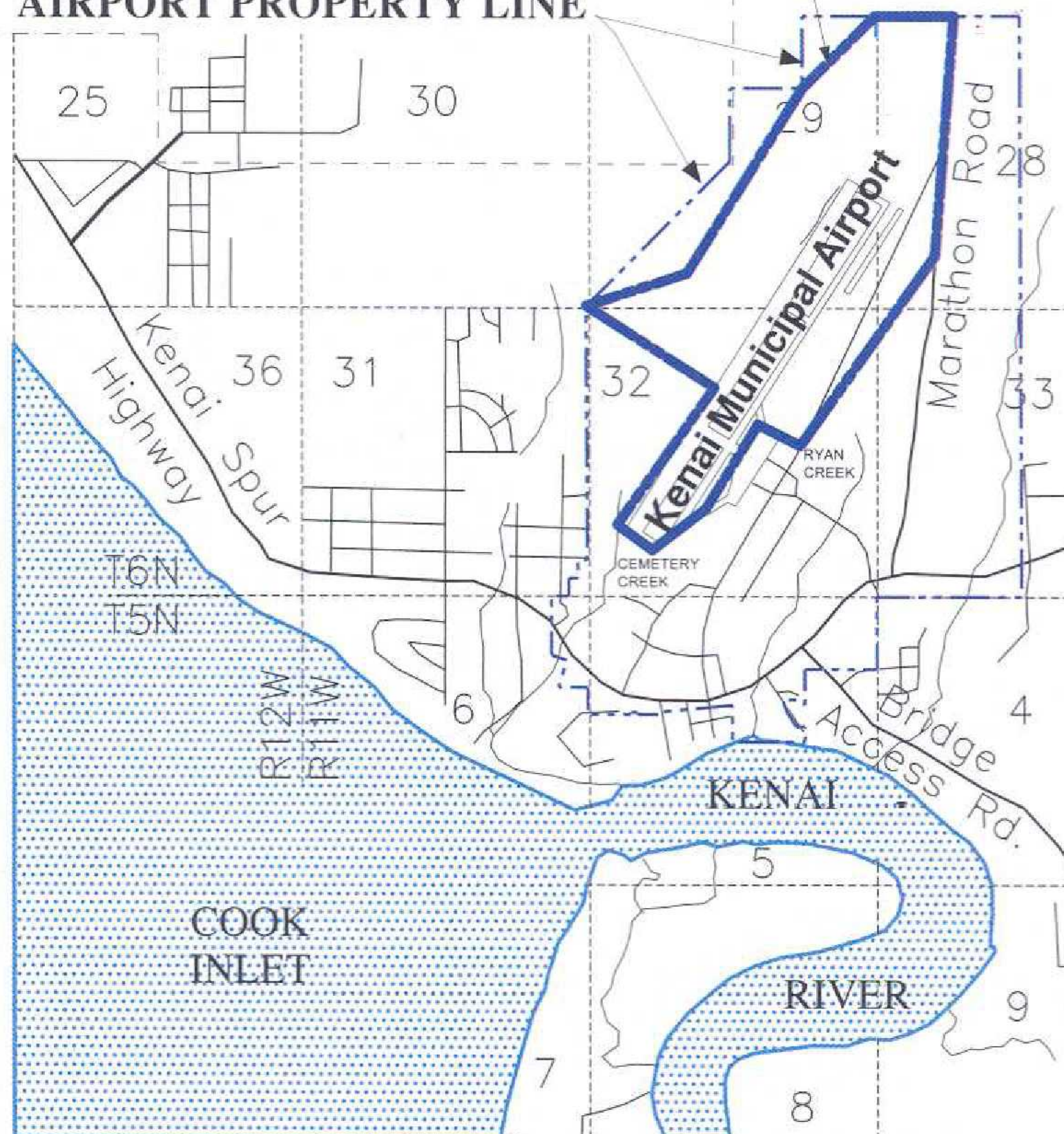
POA-1984-489-P



KENAI CITY LIMITS

PROJECT VICINITY

AIRPORT PROPERTY LINE



Name: KENAI MUNICIPAL AIRPORT

Location: KENAI, ALASKA

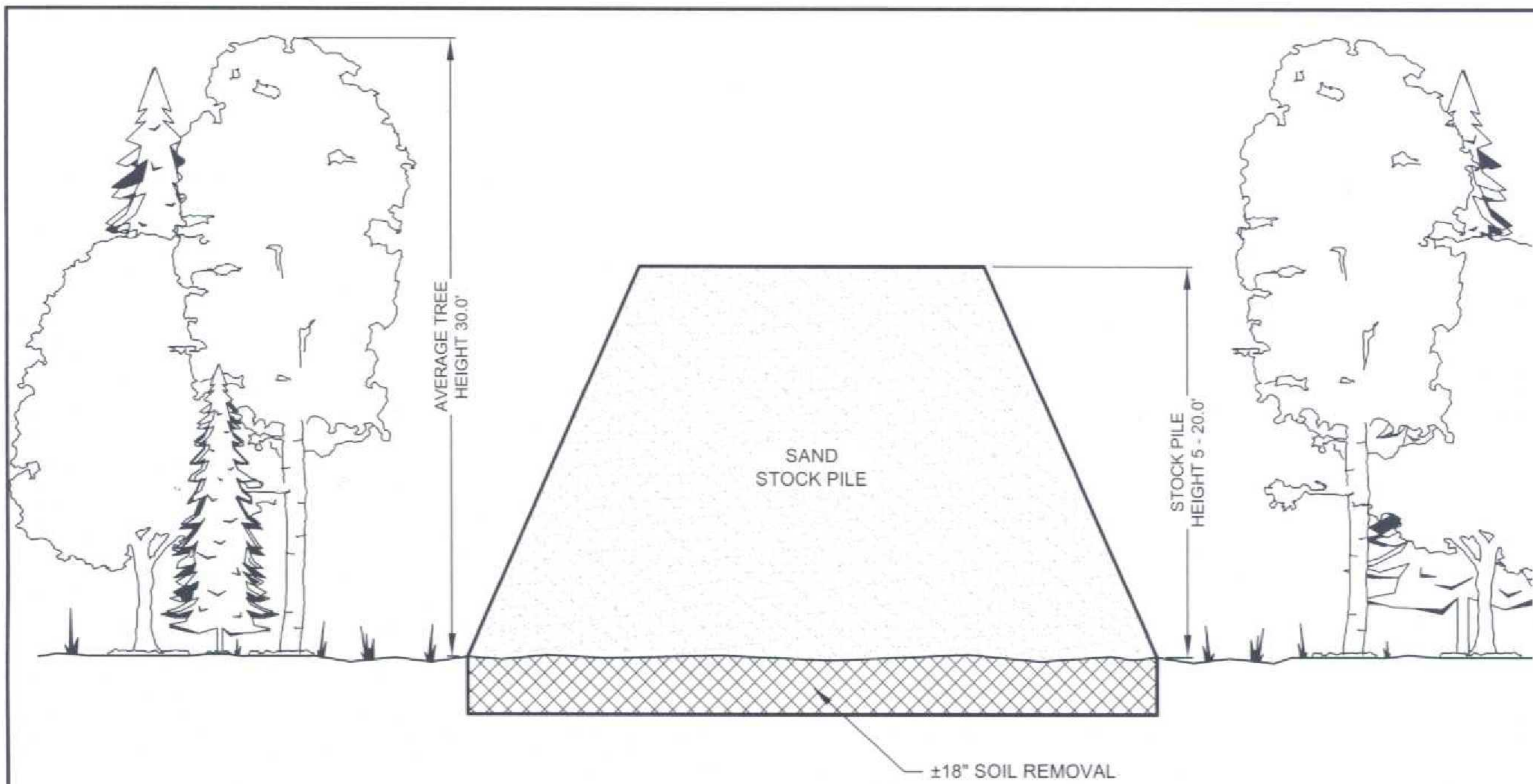
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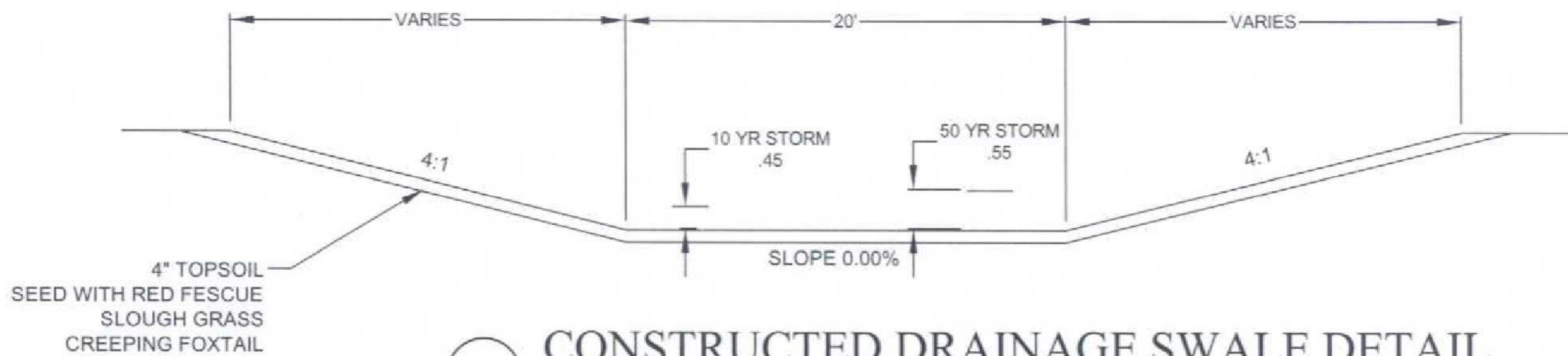
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POA-1984-489-P



L SAND STOCKPILE DETAIL
N.T.S.



M CONSTRUCTED DRAINAGE SWALE DETAIL
N.T.S.

Name: KENAI MUNICIPAL AIRPORT

Location: KENAI ALASKA

Waterway: WETLANDS TO RYAN AND
CEMETERY CREEKS

COE#

Date: 12/9/05

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STATE OF ALASKA

OFFICE OF THE GOVERNOR

DEPT. OF ENVIRONMENTAL CONSERVATION

DIVISION OF WATER

401 Certification Program

Non-Point Source Water Pollution Control Program

NOTICE OF APPLICATION FOR STATE WATER QUALITY CERTIFICATION

Any applicant for a federal license or permit to conduct an activity that might result in a discharge into navigable waters, in accordance with Section 401 of the Clean Water Act of 1977 (PL95-217), also must apply for and obtain certification from the Alaska Department of Environmental Conservation that the discharge will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. By agreement between the U.S. Army Corps of Engineers and the Department of Environmental Conservation, application for a Department of the Army permit to discharge dredged or fill material into navigable waters under Section 404 of the Clean Water Act also may serve as application for State Water Quality Certification.

Notice is hereby given that the application for a Department of the Army Permit described in the Corps of Engineers' Public Notice No. POA-1984-489-P, Kenai River, serves as application for State Water Quality Certification from the Department of Environmental Conservation.

After reviewing the application, the Department may certify that there is reasonable assurance that the activity, and any discharge that might result, will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. The Department also may deny or waive certification.

Any person desiring to comment on the project with respect to Water Quality Certification may submit written comments within 30 days of the date of the Corps of Engineer's Public Notice to:

Department of Environmental Conservation
WQM/401 Certification
555 Cordova Street
Anchorage, Alaska 99501-2617
Telephone: (907) 269-7564
FAX: (907) 269-7508

FRANK H. MURKOWSKI, GOVERNOR

STATE OF ALASKA

OFFICE OF THE GOVERNOR

**DEPARTMENT OF NATURAL RESOURCES
OFFICE OF PROJECT MANAGEMENT AND PERMITTING**

ALASKA COASTAL ZONE MANAGEMENT
550 WEST 7TH AVENUE, SUITE 1660
ANCHORAGE, ALASKA 99501-3568

**NOTICE OF APPLICATION
FOR
CERTIFICATION OF CONSISTENCY WITH THE
ALASKA COASTAL MANAGEMENT PROGRAM**

Notice is hereby given that a request is being filed with the Office of Project Management and Permitting for a consistency determination, as provided in Section 307(c)(3) of the Coastal Zone Management Act of 1972, as amended [16 U.S.C. 1456(c)(3)], that the project described in the Corps of Engineers Public Notice No.

POA-1984-489-P, Kenai River, will comply with the Alaska Coastal Management Program and that the project will be conducted in a manner consistent with that program.

The Office of Project Management and Permitting requests your comments, particularly on the proposed project's consistency with the affected local coastal district management program. For more information on the consistency review contact OPMP at (907) 269-7470 or (907) 465-3562, or visit the ACMP web site at <http://www.gov.state.ak.us/gdc/Projects/projects.html>.